

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: September 12, 2005]<sup>2</sup>

**Bill No. and sponsor:** H.R. 2137 (Mr. Berry).

**Proponent name, location:** Bayer CropScience  
St. Louis, MO 63111

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through 12/31/2008.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

(5-cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone (Isoxaflutole)  
(CAS No. 141112-29-0) (provided for in subheading 2934.99.15).

**Check one:** ☐ Same as that in bill as introduced  
☒ Different from that in bill as introduced (see Technical comments section)


**Product information, including uses/applications and source(s) of imports:**

Isoxaflutole is a synthetic organic chemical used as herbicide on corn. The chemical is imported from Germany. There is no known domestic production of this product. There are several domestic companies marketing products that compete with this chemical.

<sup>1</sup> Industry analyst preparing report: Richard Qualters (202-205-2334); Tariff Affairs contact: David Michels (202-205-3340).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm)

**Estimated effect on customs revenue:**

<b>HTS subheading: <u>2934.99.15</u></b>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$29,274,018	\$29,274,018	\$29,274,018	\$29,274,018	\$29,274,018
Customs revenue loss	\$1,902,811	\$1,902,811	\$1,902,811	\$1,902,811	\$1,902,811

Source of estimated dutiable import data: Industry estimates.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
		(Yes/No)		
Bayer CropScience (Proponent) Will Hensley, Fax: 202-628-6662	7/21/2005	No	No	No
AtoFina Cerex Charles Kitchin, Fax: 703-527-2092	7/21/2005	No	No	No
Aventis Jean Reimers, Fax: 202-628-6622	7/21/2005	No	No	No
BASF Corporation Greg Theis, Fax: 202-558-5101	7/21/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	7/21/2005	No	No	No
Dow Agro Science Margaret Rogers, Fax: 202-429-3467	7/21/2005	No	No	No
E.I. duPont Elaine Olsen, Fax: 302-992-2263	7/21/2005	No	No	No
FMC Corporation Jerry Prout, Fax: 202-956-5235	7/21/2005	No	No	No

Griffin Corp. James Whatley, Fax: 800-248-5154	7/21/2005	No	No	No
Monsanto Corp. Michael Parrish, Fax: 202-789-1867	7/21/2005	No	No	No
Syngenta Mike Blythe, Fax: 336-632-6084	7/21/2005	No	No	No
Valent USA Robin Demouth, Fax: 925-256-2776	7/21/2005	No	No	No

### Technical comments:<sup>3</sup>

The Commission suggests that the article description on page 1 of this report be used in the proposed new heading, as it provides the proper chemical name.

There is an existing heading 9902.29.79 which provided for a duty suspension on this product until 2003. The Commission suggests that lines 8 and 9 of the bill be changed to read “amended by striking heading 9902.29.79 and inserting the following new heading...”. The Commission also suggests using heading 9902.29.79 as the heading number in the proposed insertion.

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<sup>3</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

109TH CONGRESS  
1ST SESSION

# H. R. 2137

To suspend temporarily the duty on 5-Cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl)isoxazole (Isoxaflutole).

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IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

Mr. BERRY introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To suspend temporarily the duty on 5-Cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl)isoxazole (Isoxaflutole).

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. 5-CYCLOPROPYL-4-(2-METHYLSULFONYL-4-**  
4 **TRIFLUOROMETHYLBENZOYL)ISOXAZOLE**  
5 **(ISOXAFLUTOLE).**

6 (a) IN GENERAL.—Subchapter II of chapter 99 of  
7 the Harmonized Tariff Schedule of the United States is  
8 amended by inserting in numerical sequence the following  
9 new heading:

“	9902.06.75	5-Cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl)isoxazole (Isoxaflutole) (CAS No. 141112-29-0) (provided for in subheading 2934.99.15) .....	Free	No change	No change	On or before 12/31/2008	”.
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1           (b) **EFFECTIVE DATE.**—The amendment made by  
 2 subsection (a) applies to goods entered, or withdrawn from  
 3 warehouse for consumption, on or after the 15th day after  
 4 the date of the enactment of this Act.

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